

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

KEVIN L. COOK,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:11-CV-942  
CRIM. NO. 2:08-CR-186(3)  
JUDGE SARGUS  
MAGISTRATE JUDGE KING

ORDER

On January 26, 2012, the United States Magistrate Judge recommended that respondent's motion to dismiss, Doc. No. 1359, be denied upon petitioner's submission of a written waiver of his attorney-client privilege. *Order and Report and Recommendation*, Doc. No. 1361. Petitioner has now filed the written waiver of his attorney-client privilege. *Notice*, Doc. No. 1363. Moreover, although the parties were advised of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has been no objection.

The *Report and Recommendation*, Doc. No. 1361, is **ADOPTED AND AFFIRMED**. Respondent's motion to dismiss, Doc. No. 1359, is **DENIED**.

Respondent shall file a return of writ no later than March 5, 2012.

2-16-2012  
Date

  
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Edmund A. Sargus, Jr.  
United States District Judge